



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,517	08/25/2003	Shmuel Shaffer	062891.1124	5804

5073 7590 04/05/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
----------

BUI, BING Q

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/649,517	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bing Q. Bui	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/25/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-52 are pending in the application for examination, wherein claims 1, 21, 36, 44 and 52 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 17-31, 35-39, 43-47 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US Pat No. 6,301,354), herein after referred to as Walker.

Regarding claims 1, 21, 36 and 44, referring to figures 1 and 8A-8C, Walker teaches a method for utilizing proxy designation a call system, comprising:

receiving a call from a first user over a first connection with a first endpoint of the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31);

receiving a proxy designation from the first user, the proxy designation comprising a proxy user designated to handle the call for the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31);

establishing a second connection with the proxy user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31); and

detecting presence the proxy user over the second connection (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 2, 22, 37 and 45, referring to figures 1 and 8A-8C, Walker teaches the method of claim 1, wherein detecting the presence of the proxy user comprises authenticating the proxy user using a password of the proxy user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 3 and 23, referring to figures 1 and 8A-8C, Walker teaches the method Claim wherein the proxy designation comprises a uniform reference identifier (URI) of the proxy user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 4, 24, 38 and 46, referring to figures 1 and 8A-8C, Walker teaches the method Claim wherein the proxy designation comprises an authority grant to the proxy user for handling the call for the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 5 and 25, referring to figures 1 and 8A-8C, Walker teaches the method of Claim 1, wherein the proxy designation comprises a plurality of proxy users handle the call for the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 6 and 26, referring to figures 1 and 8A-8C, Walker teaches the method of Claim wherein the proxy designation is received through instant messaging (IM) (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 7 and 27, referring to figures 1 and 8A-8C, Walker teaches the method of Claim wherein the proxy designation received through short message service (SMS) text messaging (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 8 and 28, referring to figures 1 and 8A-8C, Walker teaches the method of Claim wherein the proxy designation is received through dual tone multiple frequency (DTMF) signaling (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 9 and 29, referring to figures 1 and 8A-8C, Walker teaches the method Claim wherein the proxy designation is received through speech recognition (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 10 and 30, referring to figures 1 and 8A-8C, Walker teaches the method of Claim wherein the proxy designation is accomplished via web administration or other system configuration activity (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claim 11, referring to figures 1 and 8A-8C, Walker teaches the method Claim wherein the proxy designation is accomplished prior to receiving the call from the user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 12, 31, 39 and 47, referring to figures 1 and 8A-8C, Walker teaches the method Claim 1, further comprising placing the call in a queue until a suitable agent becomes available to provide service; and notifying the first user of an approximate time for the call to progress through the queue (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claim 17, referring to figures 1 and 8A-8C, Walker teaches the method of Claim 1, further comprising selecting one of the user or the proxy user for connection with an agent, both the user and the proxy user are available for connection with the agent (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claim 18, referring to figures 1 and 8A-8C, Walker teaches the method of Claim 1, further comprising establishing a communication session between user and the user's proxy while the virtual contact is in the queue; and connecting both the user and the proxy user with an agent when the agent becomes available (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claim 19, referring to figures 1 and 8A-8C, Walker teaches the method of Claim 1, further comprising associating each of the user and the proxy user with the virtual contact (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

Regarding claims 20, 35, 43 and 51, referring to figures 1 and 8A-8C, Walker teaches the method of Claim 1, wherein the call system comprises an automatic call distributor and wherein the call comprises a request for service from a suitable agent (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-16, 32-34, 40-42, 48-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Pat No. 6,301,354) in view of Walker (US Pat. No. 6,314,178).

Regarding claims 13-16, 32-34, 40-42, 48-50 and 52, referring to figures 1 and 8A-8C, Walker '354 teaches method for utilizing proxy designation in a call system, comprising:

receiving a call from a first user over a first connection with a first endpoint of the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31);

receiving a proxy designation from the first user, the proxy designation comprising a proxy user designated to handle the call for the first user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31);

establishing a second connection with the proxy user (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31); and

detecting the presence of the proxy user over the second connection (see figs 1 and 8A-8C; and col. 9, ln 51-col. 11, ln 31).

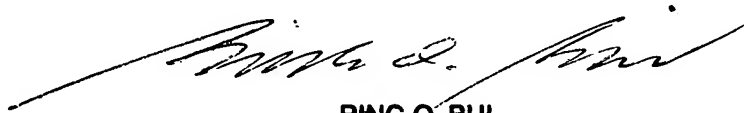
Walker '354 differs from claimed invention in which it does not teach the first user does not lose his position order in queue while contacting an alternate contact point. However, this feature missing in walker '354 has been taught by Walker '178 as described in the abstract and col. 2, lns 17-25. Therefore, integrating Walker's '354 teachings into communication system of Walker '178 would be obvious for minimizing frustration that customer caller might have.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui, Tel. No. (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

02 Apr 2006

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', is written over a horizontal line.

**BING Q. BUI**  
**PRIMARY EXAMINER**